

REMARKS

This paper is filed in response to the Office Action mailed June 6, 2005. Claims 1-41 are pending in this application. The specification has been objected to for including embedded hyperlinks. Claims 23-41 are objected to for failing to further limit the subject matter of a previous claim. Claims 1-40 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-20 and 22-41 have been rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,598,027 to Breen, Jr. et al (hereinafter referred to as "Breen") in view of US Patent No. 6,161,099 to Harrington et al (hereinafter referred to as "Harrington") and further in view of eBay. Claim 21 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Breen in view of Harrington.

Applicant has amended the specification. Applicant has amended claims 21-41. No new matter has been added and support for the amendments can be found in the specification and claims as filed.

Amendments to the Specification

The Examiner has objected to the specification for including hyperlinks and/or browser-executable code. Applicant has reviewed the specification for hyperlinks or other browser-executable code, and has amended paragraph 7 of the specification to remove a hyperlink. Applicant has amended paragraph 10 to change "ore" to "more." Applicant respectfully requests the Examiner withdraw the objection to the specification.

Amendments to Claims 21 and 22

Applicant has amended claims 21 and 22 to correct minor typographical errors.

Claims 23-41 – Objections

The Examiner objected to claims 23-41 for failing to further limit the subject matter of a previous claim. Applicant has amended claims 23-41 to further limit the

subject matter of previous claims. Applicant respectfully requests the Examiner withdraw the objections to claims 23-41.

Claims 1-40 – § 112 second paragraph

The rejection to claims 1-40 under 35 U.S.C. § 112 is respectfully traversed.

The Examiner specifically referred to “managing users” as recited in claims 1, 21 and 22 as being indefinite. Respectfully, “managing users” is defined within the specification and is therefore definite under 35 U.S.C. § 112, second paragraph. For example, an auction representative may manage users by “authoriz[ing] current users for the auction site, auction categories, or individual actions.” *See* Paragraph 39. Further, an auction representative may manage users by placing bidders in groups, *see* Paragraph 39, or “give[] them [bidders] access to the auction schedule and the bidding floor.” *See* Paragraph 38. Further support can be found throughout the specification as filed. For these reasons, Applicant respectfully submits that “managing users” is defined within the specification.

Because “managing users” is defined within the specification, Applicant respectfully submits that claims 1, 21 and 22 satisfy 35 U.S.C. § 112, second paragraph. Applicant respectfully requests the Examiner withdraw the rejection to claims 1, 21 and 22.

Claims 2-20 depend from and further limit claim 1. Claims 23-40 depend from and further limit claim 22. The Office Action recited no specific reason for the rejection under 35 U.S.C. § 112, second paragraph, and Applicant assumes the rejections were based on the reasoning for claims 1, 21 and 22. As described above, claims 1, 21 and 22 are definite, and therefore claims 2-20 and 23-40 are definite as well. Applicant respectfully requests the Examiner withdraw the rejections of claims 2-20 and 23-40.

Claims 1-20 – § 103(a)

The rejection of claims 1-20 under 35 U.S.C. § 103(a) to Breen in view of Harrington and further in view of eBay is respectfully traversed.

To support a rejection under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claim. *See* M.P.E.P. § 2142.

As the Office Action states, Breen fails to teach or suggest “initiating invitations to users to join a scheduled auction” as recited in claim 1. Likewise, Harrington fails to teach or suggest invitations to users to join a scheduled auction. *See* Figs. 3c, 14 and 15. For example, Column 2, Line 66 cited by the Office Action relates to submitting bids by fax or US mail to an auction for municipal bonds. Further, Column 6, Line 37 cited by the Office Action relates to the capability of the auctioneer to create auctions and receive bids, not to send invitations to selected users. Therefore, Harrington fails to teach or suggest “initiating invitations to users to join a scheduled auction.” Finally, eBay does not disclose “initiating invitations to users to join a scheduled auction.” The eBay system does not provide for “initiating invitations to users to join a scheduled auction.” Therefore, none of the references teach or suggest “initiating invitations to users to join a scheduled auction.” As such, the combined references fail to teach or suggest every element of claim 1 and, therefore, claim 1 is patentable over the combined references.

Applicant respectfully requests the Examiner withdraw the rejection to claim 1. As claims 2-20 depend from and further limit claim 1, claims 2-20 are patentable over the combined references for at least the same reasons. Therefore, Applicant respectfully requests the Examiner withdraw the rejections to claims 2-20.

Claim 22-41 – § 103(a)

The rejection of claims 22-41 under 35 U.S.C. § 103(a) to Breen in view of Harrington and further in view of eBay is respectfully traversed.

To support a rejection under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claim. *See* M.P.E.P. § 2142.

As pointed out above, none of Breen, Harrington or eBay teach or suggest “initiating invitations to users to join a scheduled auction” as recited in claim 1. Because claim 22 also recites “initiating invitations to users to join a scheduled auction,” Breen, Harrington and eBay likewise fail to teach or suggest every element of claim 22. As such, claim 22 is patentable over the combined references.

Applicant respectfully requests the Examiner withdraw the rejection to claim 22. As claims 23-41 depend from and further limit claim 22, claims 23-41 are patentable over

the combined references for at least the same reasons. Therefore, Applicant respectfully requests the Examiner withdraw the rejections to claims 23-41.

Claim 21 – § 103(a)

The rejection of claim 21 under 35 U.S.C. § 103(a) to Breen in view of Harrington is respectfully traversed.

To support a rejection under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claim. *See* M.P.E.P. § 2142.

As pointed out above, none of Breen or Harrington teach or suggest “initiating invitations to users to join a scheduled auction” as recited in claim 1. Because claim 21 also recites “initiating invitations to users to join a scheduled auction,” Breen and Harrington likewise fail to teach or suggest every element of claim 21. As such, claim 21 is patentable over the combined references.

Applicant respectfully requests the Examiner withdraw the rejection to claim 21.

Prior Art Made of Record and Not Relied Upon

In the conclusion, the Office Action lists references which were made of record and not relied upon. Applicant respectfully traverses the relevance of these reference as prior art or otherwise, and respectfully reserves the right to present such arguments and other material should the Examiner maintain rejection of Applicant’s claims, based upon the references made of record and not relied upon or otherwise.

CONCLUSION

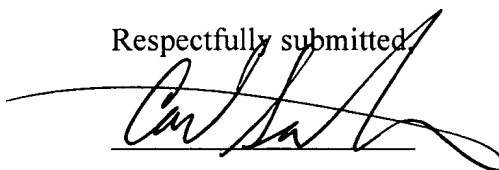
Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Date:

12/6/2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carl Sanders', is written over a horizontal line.

Carl Sanders
Reg. No. 57,203

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101
(336) 607-7474 (voice)
(336) 734-2629 (fax)